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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/704,400	08/27/96	SOMBROEK R	PHN14.491A

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EXAMINER	
BRIER,J	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 24

Application Number: 08/704,400
Filing Date: 08/27/97
Appellant(s): Sombroek et al.

Michael E. Marion
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 04/24/98.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because claims 8, 10, and 11 do not add any additional limitations to claim 1 because claim 1 already claims at line 5 a user interface means and claims 8, 10, and 11 only claim a user interface means suitable for use in the system of claims 1, 5, or 6.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,153,571	Takahashi	10-1992
JP 1-200285	Kato	8-1989

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (Japanese Patent application publication no. 1-200285) and Takahashi (U.S. Patent No. 5,153,571). Kato describes a software routine running on the computer which increases the speed of the cursor after the cursor key has been depressed a predetermined amount of time. Applicant now claims that the manually operable data input device sends low speed data to the cursor control means during a predetermined time interval to cause the cursor to travel at a low speed and after the predetermined time interval sends high speed data to the cursor control means to cause the cursor to travel at a high speed. This feature of applicants invention is not taught by Kato. Takahashi teaches a mouse which can send low speed data to a cursor control means to cause the cursor to travel at a low speed and which can send high speed data to a cursor control means to cause the cursor to travel at a high speed. Takahashi outputs the low or high speed data in response to depression of switch 8a. The computer in Takahashi need not perform the

software routine that the computer in Kato performs because the input device has already performed the routine. Thus, Takahashi teaches that it is well known at the time of applicants invention to alter the data output from a manually operable data input device in order to control the cursor speed. In view of Takahashi it would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kato by altering the data from the keyboard's cursor key at the keyboard instead of at the computer because this will relieve the computer of additional processing.

(11) Response to Argument

Appellant argues that the pulse signals transmitted by Takahashi can not be considered to be low or high speed cursor data. However, switch 8a controls counter circuit 7 which controls when latch circuit 5 latches onto the pulse signals generated by signal generator 2 and how often the latch circuit passes the latched pulse to the computer, thus, switch 8a controls how often the pulse signals are sent to the computer. Column 3 lines 29-38 and 50-64. The more often the pulse signals are allowed to pass to the computer the faster the cursor will move. Therefore, Takahashi teaches outputting low speed cursor control data and high speed cursor control data. Takahashi suggests that the cursor data generated from the cursor keys of a keyboard may be controlled in a similar manner when Takahashi wrote at column 1 lines 8-11 "This invention relates to a computer, and more particularly to an input unit,..., adapted to be connected to a computer or a keyboard, for generating a predetermined pulse signal". Kato

teaches modifying the speed of cursor control data after a predetermined period of time at the computer. In view of Takahashi it would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kato by altering the data from the keyboard's cursor key at the keyboard instead of at the computer because this will relieve the computer of additional processing.

Appellant argues in the paragraph spanning pages 4 and 5 that Takahashi's alleged inter-task control of the cursor speed and Kato's intra-task control of the cursor speed would not lead one of ordinary skill in the art have to combined Kato and Takahashi. Appellant has failed to grasp that Takahashi is not limited to inter-task control of the cursor speed but includes intra-task control of the cursor speed because switch 8a may be depressed when the mouse is moving and if it is depressed when the mouse is moving then counter 7 will be changed and the timing of the 0 stage pulses sent to latch circuit 5 will change, thus, changing the rate at which the pulse signals are sent to the computer. Since Takahashi and Kato both perform intra-task control of the cursor speed then one of ordinary skill in the art would have considered modifying Kato in view of Takahashi.

Appellant argues in the last paragraph of page 5 that there is no identification in Takahashi's signal sent to the computer as to whether the mouse is in the high speed mode or low speed mode. Appellant directs attention to appellant's detailed specification in order to define what applicants means by high speed or low speed data. However, a definition of high speed data and low speed data is not present in the specification. Inherently the speed of the signal in

Takahashi is an identification of high or low speed. Thus, appellants argument that Takahashi's signal does not have an identification of high or low speed is not persuasive. Furthermore, the claims do not claim the argued identification.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jeffery A. Brier

JEFFERY BRIER
PRIMARY EXAMINER

Jeffery A. Brier
May 1, 1998

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